

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,
Debtors.

Bank. Case No. 19-54531-lsg
Chapter 7
Hon. Lisa S. Gretchko

THOMAS T. RITTER,
Plaintiff,
v.
JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCI,
Defendants.

Adv. Pro. No. 20-04381-lsg
Hon. Lisa S. Gretchko

**DEFENDANTS' ANSWER TO PLAINTIFF'S SECOND AMENDED
COMPLAINT TO DETERMINE NONDISCHARGEABILITY OF
INDEBTEDNESS UNDER 11 U.S.C. § 523**

NOW COME the Defendants, JOSEPH G. DUMOUCHELLE (“Joe”) and MELINDA J. ADDUCCI, (“Lindy”) (collectively “Debtors” or “Defendants”), by and through their counsel, JOHN R. FOLEY, P.C., who hereby answer Plaintiff’s SECOND AMENDED COMPLAINT TO DETERMINE NONDISCHARGEABILITY OF INDEBTEDNESS UNDER 11 U.S.C. § 523 (“Complaint”), as follows:

ANSWER OF DEFENDANT JOSEPH G. DUMOUCHELLE

Defendant Joseph G. DuMouchelle asserts his Fifth Amendment Privilege in response to each and every allegation in Plaintiff’s Complaint.

ANSWER OF DEFENDANT MELINDA ADDUCCI

Lindy asserts here 5th Amendment Privilege and does not waive the same.

Subject to that assertion, and without waiving it, Lindy responds to the complaint as follows:

Preliminary Statement

1. Lindy denies that this relief should be granted against her.

Jurisdiction

2. Admitted.
3. Admitted.
4. Admitted.

Background

5. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted, subject to the clarification that Lindy was only a 10% member, and the business was primarily Joe's business.

General Allegation

10. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

11. Denied for the reason that the same is untrue.

12. Denied for the reason that the same is untrue.

13. Denied for the reason that the same is untrue.

14. Denied for the reason that the same is untrue.

15. Admitted.

16. Admitted.

17. Denied for the reason that the same is untrue.

18. Denied for the reason that the same is untrue.

19. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

20. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

21. Denied for the reason that the same is untrue.

22. Denied for the reason that the same is untrue.

23. Denied for the reason that the same is untrue.

24.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

25.Denied for the reason that the same is untrue.

26.Denied for the reason that the same is untrue.

27.Denied for the reason that the same is untrue.

28.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

29.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

30.Denied for the reason that the same is untrue.

31.Denied for the reason that the same is untrue.

32.Denied for the reason that the same is untrue.

33.Denied for the reason that the same is untrue.

34.Admitted.

35.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

36.Denied for the reason that the same is untrue.

37.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

38.Denied for the reason that the same is untrue.

39.Denied for the reason that the same is untrue.

40.Denied for the reason that the same is untrue.

41.Admitted.

42.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

43.Admitted.

44.Denied for the reason that the same is untrue.

45.Denied for the reason that the same is untrue.

46.Denied.

47.Admitted.

48.Denied to the extent that Para. 48 suggests Lindy did anything other than send the January 25, 2019 Email to Plaintiff.

49.Denied as untrue. (No such email appears to be attached.)

50.Denied for the reason that the same is untrue. Rather, from the email, it

appears Plaintiff requested of Joe a copy of an already-performed appraisal.

51.Denied for the reason that the same is untrue.

52.Denied for the reason that the same is untrue.

53.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

54.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

55.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

56.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

57.Denied for the reason that the same is untrue.

58.Admitted that such an email was sent by Plaintiff; denied that it in any way
evidences Lindy's liability. In fact, to the contrary, it specifically excludes
Lindy from this deal.

59.Admitted only to the extent that Exhibit 8 shows what Exhibit 8 appears to

show.

60. Admitted only to the extent that Exhibit 8 shows what Exhibit 8 appears to show.

61. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

62. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

63. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

64. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

65. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted. Admitted only to the extent that Exhibit 9 shows what Exhibit 9 appears to show.

66. Admitted only to the extent that Exhibit 9 shows what Exhibit 9 appears to

show.

67.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

68.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

69.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

70.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

71.Defendant Lindy neither admits nor denies this allegation for the reason that
Lindy lacks sufficient information so as to form a belief as to the truth of the
matter asserted.

72.Admitted only to the extent that Exhibit 10 shows what Exhibit 10 appears to
show.

73.Admitted only to the extent that Exhibit 10 shows what Exhibit 10 appears to
show.

74.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

75.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

76.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

77.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

78.Admitted.

79.Denied for the reason that the same is untrue.

80.Admitted only to the extent that Exhibit 12 speaks for itself.

81.Denied for the reason that the same is untrue.

82.Admitted.

83.Admitted that Lindy did so, while out of town for a seminar/conference, and only did so because (as shown in the discovery already produced), Joe asked her to cut certain checks/payments while she was there, in a time zone a few

hours behind Detroit, where the banks were not yet closed. Lindy denies any knowledge that there was anything nefarious about this.

84.Admitted.

85.Denied for the reason that the same is untrue.

86.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

87.Denied for the reason that the same is untrue.

88.Denied for the reason that the same is untrue.

89.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

90.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

91.Denied for the reason that the same is untrue.

92.Denied for the reason that the same is untrue.

93.Denied for the reason that the same is untrue.

94.Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the

matter asserted.

95. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

96. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

97. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

98. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

99. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

100. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

101. Denied for the reason that the same is untrue.

102. Denied for the reason that the same is untrue.
103. Denied for the reason that the same is untrue.
104. Denied for the reason that the same is untrue.
105. Denied for the reason that the same is untrue.
106. Denied for the reason that the same is untrue.
107. Admitted.
108. Admitted.
109. Admitted.
110. Denied for the reason that the same is untrue.
111. Denied for the reason that the same is untrue.
112. Denied for the reason that the same is untrue.
113. Admitted.
114. Admitted that the North Dakota court granted Plaintiff contractual-based damages, which runs directly contra his present allegations of fraud against Lindy, a non-party to the alleged contract regarding the Yellow Rose.
115. Denied as untrue. Exhibit 4 shows no such findings of fact.
116. Denied as untrue. Exhibit 4 shows no such findings of fact.
117. Denied as untrue. Exhibit 4 shows no such findings of fact.

The Criminal Action

118. Admitted to the extent that the record of that case speaks for itself.

119. Admitted to the extent that the record of that case speaks for itself.
120. Admitted to the extent that the record of that case speaks for itself.
121. Admitted to the extent that the record of that case speaks for itself.

Count 1

122. No response required.
123. Denied for the reason that the same is untrue.
124. Denied for the reason that the same is untrue.
125. Denied for the reason that the same is untrue.
126. Denied for the reason that the same is untrue.
127. Denied for the reason that the same is untrue.
128. Denied for the reason that the same is untrue.
129. Denied for the reason that the same is untrue.
130. Denied for the reason that the same is untrue.
131. Denied for the reason that the same is untrue.
132. Denied for the reason that the same is untrue.
133. Denied for the reason that the same is untrue.
134. Denied for the reason that the same is untrue.
135. Denied for the reason that the same is untrue.

Count II

136. No response required.

137. Denied for the reason that the same is untrue.
138. Denied for the reason that the same is untrue.
139. Denied for the reason that the same is untrue.
140. Denied for the reason that the same is untrue.
141. Denied for the reason that the same is untrue.
142. Denied for the reason that the same is untrue.
143. Denied for the reason that the same is untrue.

Count III

144. No response required.
145. Denied for the reason that the same is untrue.
146. Denied for the reason that the same is untrue.
147. Denied for the reason that the same is untrue.
148. Denied for the reason that the same is untrue.
149. Denied for the reason that the same is untrue.
150. Denied for the reason that the same is untrue.
151. Denied for the reason that the same is untrue.
152. Denied for the reason that the same is untrue.
153. Denied for the reason that the same is untrue.
154. Denied for the reason that the same is untrue.
155. Denied for the reason that the same is untrue.

156. Denied for the reason that the same is untrue.
157. Denied for the reason that the same is untrue.
158. Denied for the reason that the same is untrue.
159. Denied for the reason that the same is untrue.
160. Denied for the reason that the same is untrue.
161. Denied for the reason that the same is untrue.
162. Denied for the reason that the same is untrue.
163. Denied for the reason that the same is untrue.
164. Denied for the reason that the same is untrue.
165. Denied for the reason that the same is untrue.
166. Denied for the reason that the same is untrue.
167. Denied for the reason that the same is untrue.
168. Denied for the reason that the same is untrue.
169. Denied for the reason that the same is untrue.
170. Denied for the reason that the same is untrue.
171. Denied for the reason that the same is untrue.
172. Denied for the reason that the same is untrue.
173. Denied for the reason that the same is untrue.
174. Denied for the reason that the same is untrue.

Count IV

175. No response required.
176. Denied for the reason that the same is untrue.
177. Denied for the reason that the same is untrue.
178. Denied for the reason that the same is untrue.
179. Denied for the reason that the same is untrue.
180. Denied for the reason that the same is untrue.
181. Denied for the reason that the same is untrue.
182. Denied for the reason that the same is untrue.

Count IV (2nd Count IV)

183. No response required.
184. Denied for the reason that the same is untrue.
185. Denied for the reason that the same is untrue.
186. Denied for the reason that the same is untrue.
187. Denied for the reason that the same is untrue.

Count V

188. No response required.
189. Denied for the reason that the same is untrue.
190. Denied for the reason that the same is untrue.
191. Denied for the reason that the same is untrue.

192. Denied for the reason that the same is untrue.

Count VI

193. No response required.

194. Denied for the reason that the same is untrue.

195. Denied for the reason that the same is untrue.

196. Denied for the reason that the same is untrue.

197. Denied for the reason that the same is untrue.

198. Denied for the reason that the same is untrue.

199. Denied for the reason that the same is untrue.

200. Denied for the reason that the same is untrue.

Count VII

201. No response required.

202. Denied for the reason that the same is untrue.

203. Denied for the reason that the same is untrue.

204. Denied for the reason that the same is untrue.

205. Denied for the reason that the same is untrue.

206. Denied for the reason that the same is untrue.

207. Denied for the reason that the same is untrue.

208. Denied for the reason that the same is untrue.

Count VIII

209. No response required.
210. Denied for the reason that the same is untrue.
211. Denied for the reason that the same is untrue.
212. Denied for the reason that the same is untrue.
213. Denied for the reason that the same is untrue.
214. Denied for the reason that the same is untrue.
215. Denied for the reason that the same is untrue.
216. Denied for the reason that the same is untrue.
217. Denied for the reason that the same is untrue.
218. Denied for the reason that the same is untrue.
219. Denied for the reason that the same is untrue.
220. Denied for the reason that the same is untrue.
221. Denied for the reason that the same is untrue.
222. Denied for the reason that the same is untrue.

WHEREFORE, your Defendant, Lindy, respectfully requests that this Honorable Court deny Plaintiff any relief upon his Complaint against Lindy.

Respectfully submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendants

Date: March 23, 2023

By: /s/ Patrick A. Foley
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DEFENDANTS' AFFIRMATIVE DEFENSES

NOW COME the Defendants, JOSEPH G. DUMOUCHELLE and MELINDA J. ADDUCCI (collectively, the “Defendants”), by and through their counsel, JOHN R. FOLEY, P.C., and for their *Affirmative Defenses*, hereby state as follows:

1. Plaintiff has failed to state a claim upon which relief may be granted.
2. Certain allegations and claims of the Plaintiff are time-barred by applicable statute(s) of limitation.
3. As indicated above, Defendants have consistently asserted their Fifth Amendment privileges and because they do not wish to waive those privileges at this time, reserve their ability to modify and add to their additional defenses.

Respectfully submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendants

Date: March 23, 2023

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PROOF OF SERVICE

Patrick A. Foley hereby certifies that on March 23, 2023 he did serve a copy of the foregoing *Answer to Complaint* and *Affirmative Defenses*, upon the following parties via the Court's CM/ECF e-Filing system:

- Kimberly Ross Clayson kclayson@taftlaw.com, ttorni@taftlaw.com
- Jay L. Welford jwelford@taftlaw.com, ttorni@taftlaw.com

Respectfully Submitted,
JOHN R. FOLEY, P.C.
Counsel for Defendants

Dated: March 23, 2023

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